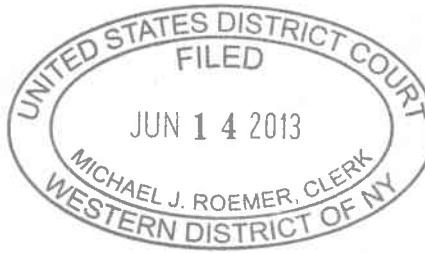


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



-PS-O-

JOSHUA GOODWIN,

Plaintiff,

-v-

C. SCULLY, SGT. JOHN DOE,

Defendants.

DECISION AND ORDER
12-CV-1046A

By Order entered May 7, 2013, the Court granted plaintiff permission to proceed *in forma pauperis*, directed service by the U.S. Marshals Service of the Summons and Complaint upon defendant C. Scully and requested the New York State Attorney General's Office, pursuant to *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997), to attempt to ascertain the identity of the John Doe defendant and provide an address at which he could be served. (Docket No. 3.) The Attorney General's Office has identified the John Doe defendant as Sgt. P. Dilallo as the Sergeant assigned to A Block at Southport Correctional Facility on June 26, 2012 at 8:00 a.m.

Accordingly, the Clerk of the Court is directed to amend the caption of this action by adding Sgt. P. Dilallo in the place of Sgt. John Doe and to cause the U.S. Marshals Service to serve the Summons and Complaint and this Order upon Sgt. P. Dilallo at the Auburn Correctional Facility without plaintiff's payment

therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.¹

The Clerk of the Court is also directed to forward a copy of this Order by email to Michael Russo, Assistant Attorney General in Charge, Buffalo Regional Office <Michael.Russo@ag.ny.gov>.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendant is directed to answer the complaint.

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT JUDGE

Dated: June 13, 2013

¹Pursuant to a Standing Order of Court, filed September 28, 2012, a defendant will have 60 days to file and serve an answer or other responsive pleading, *see Fed.R.Civ.P. 12(a)-(b)*, if the defendant and/or the defendant's agent has returned an Acknowledgment of Receipt of Service by Mail Form within 30 days of receipt of the summons and complaint by mail pursuant to N.Y.C.P.L.R. § 312-a.